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IN THE DISTRICT COURT OF SANPETE COUNTY, STATE OF UTAH

* * * * *

GUNNISON FAYETTE CANAL COMPANY,
A Utah Corporation,

Plaintiff,

-vs-

GUNNISON IRRIGATION COMPANY, A Utah
Corporation, and if the following
Defendants have not been merged therewith,
HIGHLAND CANAL COMPANY, INC., and
NEWFIELD CANAL COMPANY, both Utah
Corporations,

Judgment
1/6 65

Defendants.

ORDER TO SHOW CAUSE AND
TEMPORARY RESTRAINING ORDER

Civil No. 5444

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Douglas Jorgensen

✓
Bruce S. Wilson

* * * * * Upon reading the verified Complaint of Plaintiff and the Affidavit of

Randall Hendrickson, President of Gunnison-Fayette Canal Company, A Utah Corporation, Plaintiff in this action, and it appearing to the satisfaction of the Court therefrom that this is a proper case for granting a Temporary Restraining Order, and that unless the Temporary Restraining Order prayed for in said Complaint be granted great injury will result to the Plaintiff and its stockholders before the matter can be heard on notice, which injury is hereinafter defined, now therefore;

IT IS HEREBY ORDERED that the Defendants Gunnison Irrigation Company, Highland Canal Company, Inc., and Newfield Canal Company be and appear before this Court in the courtroom thereof at the hour of 10:00 O'Clock A. M. in the courtroom of the Sanpete County Courthouse at Manti, Utah, then and there to show cause, if any they may have, why they, their agents, servants, employees, and officers should not be enjoined and restrained during the pendency of this action diverting from the Sanpitch River more than 111.54 c.f.s. of water until Plaintiff is receiving 23 c.f.s. of water from the Sanpitch River and when 25 c.f.s. of water is delivered to Plaintiff then the Defendants shall not divert more than an additional 40 c.f.s. of water without allowing all the residue up to 15 c.f.s. of water to flow down to the diversions of Plaintiff, Gunnison-Fayette Co.

THIS Temporary Restraining Order is granted based upon the verified Complaint and the Affidavit aforesaid and is granted without notice to the Defendants for the reason that it appears from the representations therein contained



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that the Plaintiff will suffer irreparable harm and injury unless an injunction issue immediately since if the allegations of the Plaintiff's Complaint and the supporting Affidavit are true then unless water is delivered to the Plaintiff corporation for distribution to its stockholders, they will suffer irreparable damages for which they cannot be compensated in money by reason of loss of crops and diminution of the value of their lands.

This Order further is issued upon the condition that before it shall be attested and sealed by the Court the Plaintiff shall have furnished and filed a good and sufficient bond in the sum of \$ 10,000.00, which bond, will be conditioned to satisfy any damages which may be suffered by the Defendants if this Temporary Restraining Order is wrongfully sought or issued without justification.

IT IS FURTHER ORDERED that a copy of the Complaint and Affidavit of Rendell Hendrickson be served upon the Defendants not later than the 20th day of July, 1965.

This Temporary Restraining Order shall expire on the 20th day of July, 1965.

Attest,
Douglas Jorgenson, Clerk
By Anna S. Nelson, Deputy

District Judge

ATTEST
Douglas Jorgenson, Clerk
By Anna S. Nelson, Deputy

This Order was issued at the hour of 9:10 O'Clock A.M. on
July 22, 1965.

Douglas Jorgenson
Douglas Jorgenson, Clerk
By Anna S. Nelson, Deputy